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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,653	06/04/2001	Yutaka Matsuura	FQ5-546	9788
466	7590	07/27/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			LEE, CHI HO A	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,653

Applicant(s)

MATSUURA, YUTAKA

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "a server" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 5, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawagoe U.S. Patent Number 6,438,563.

Re Claim 1, Kawagoe teaches in fig. 2, the NM 200 (a server) setting (setting & storing each of the call agents) each of the NS 22n (See col. 11, lines 53-59) over the packet based network; fig. 8 teaches managing (managing the master call control) of the NE 22n (a call agent) by the NM wherein if the database information does not match

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step 804, the NM downloads a copy of the MIB (storing a copy of corresponding master call control) to the NE to perform a network-wide call control (See col. 12, lines 48 +).

Re Claim 2, refer to Claim 1, wherein when an abnormality occurs (when a change occur in the master call control data), the NM (the server) gets database information from object NE (a corresponding call agent) step 803 whereby is updated by Management information step 805 and stores this information in the DB of the NE.

Re Claims 3, 9, fig. 6 teaches an embodiment wherein the NM (the server transmitting a data check request) gets Database information from object NE (a designated call agent); step 605 compares the database information of NE to that of MIB-A (checking whether copied call control data); step 606 Upload New Management Information from NE (designated call agent to update) and update MIB-A at NM.

Re Claims 4, 10, refer to Claim 3, wherein in one case it can be assumed that the NE is the source of discrepancies (transmitting a data check) in the management information is exchanged by NE side (from a call agent) to the NM (the server) (See col. 12, lines 3-8).

Re Claim 5, refer to Claim 1, wherein when a new NE is established (the call agent transmitting a server search message) in a communication network and incorporated under the management of NM (the server); the NM receiving the request recognizes the identifier of the NE (determines that the call agent can be managed), upon recognition of the NE identifier, the NE and NM perform registration process (transmitting/receiving registration message) and updates this information in the database (See col. 8, lines 1-12).

Re Claim 7, refer to Claim 1, wherein fig. 2 further teaches an maintenance terminal 204 having access to NM (the server).

Re Claim 8, refer to Claim 7, wherein fig. 2 teaches a Operation D.B. (a master data management database); DB info Control (a server controller).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 11, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawagoe U.S. Patent Number 6,438,563.

Re Claims 6, 11, 13, refer to 5, Kawagoe teaches that the NM control unit detects whether the NM has a database failure (See col. 6, lines 18-26). One skilled in the art would have recognized when the NM is in failure, NM would have been unable to managed the registering NE (call agent). Kawagoe fails to explicitly teach "re-search instruction message designating another server". However, Kawagoe also teaches an active CM (a plurality of servers) and a standby NM (See col. 3, lines 8-12). One skilled in the art would have motivated to modified fig. 2 to include a standby NM for NM failure, to make it reliable. Therefore, it would have been obvious to one ordinary skilled to include a standby NM for reliability.

Re Claim 12, the database 201 includes information as claimed for call processing.

Response to Arguments

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
7/20/05

ANDY LEE
PATENT EXAMINER
